

**APPENDIX “N”**  
**CHAPTER 13 FEE REQUESTS**

1. Attorney Fees.

In Chapter 13 cases, counsel for the debtor, without filing a fee application, may either:

- a. Include in the Chapter 13 plan a request for the allowance of up to \$3,000.00 in attorney fees for below-median cases and \$3,500 in attorney fees for above-median cases (the “standard allowable fee”) and expenses not to exceed \$300.00. The amount of fees and anticipated expenses specified in the plan shall be deemed allowed upon confirmation of the plan. Such fees represent compensation for the specific items listed in paragraph 2(a) through 2(o) below. No additional fees will be allowed, except for extraordinary services provided to the debtor. Extraordinary services include participation in a trial (as opposed to affidavit hearings) concerning contested matters or adversary proceedings. If counsel for the debtor has provided such extraordinary legal services and earned fees in excess of \$3,000 for below-median cases or \$3,500 for above-median cases, calculated by multiplying a standard hourly rate times the number of hours actually worked in the case, whether prior to confirmation or following confirmation, counsel may file a detailed fee application, served in accordance with Neb. R. Bankr. P. 9013-1.

OR

Include in the Chapter 13 plan a request for the allowance of up to \$2,300.00 in attorney fees for below-median cases and \$2,800 in attorney fees for above-median cases and expenses not to exceed \$200.00 for services rendered through confirmation of the Plan. Such fees represent compensation for the specific items listed in paragraph 2(a) through 2(i) below. If this option is chosen, routine file maintenance and review services through the end of the case shall be considered part of the standard allowable fee per paragraph 2(i). However, counsel may file supplemental fee applications if counsel provides additional substantive legal services such as those described in paragraphs 2(j) through (o) below.

- b. Terms applicable to all Chapter 13 compensation requests:

All fee applications shall be closely scrutinized by both the Chapter 13 trustee and the Court. The Chapter 13 trustee may, but is not required to file a “comment” concerning the hourly rate, the time involved, the services provided, or the total amount of fees requested. Except for any pre-petition retainer, counsel for the debtor may not receive fees directly from the debtor, except for costs of

Court fees to add creditors post-petition or for fees to convert the case to Chapter 7. Fees shall be paid through the plan unless otherwise ordered. Counsel may elect to file fee applications in lieu of accepting one of the standard allowable fee options above ONLY in unique or unusual cases, such as those involving complicated small business issues.

2. Services Included in Standard Allowable Fee. Legal services covered by the standard allowable fee in Chapter 13 cases are the following:

- a. Meet with the debtor to review the debtor's debts, assets, liabilities, income, and expenses. Counsel the debtor regarding the advisability of filing either a Chapter 7 or Chapter 13 case. Discuss both procedures with the debtor and answer the debtor's questions. Explain what payments will be made directly by the debtor and what payments will be made through the debtor's Chapter 13 plan, with particular attention to mortgage loan payments, as well as any other claims which accrue interest.
- b. Explain to the debtor how, when, and where to make the Chapter 13 plan payments. Explain to the debtor that the first plan payment must be made to the trustee within 30 days of the date the plan is filed.
- c. Advise the debtor of the requirement to attend the § 341 meeting of creditors, and instruct the debtor as to the date, time, and place of the meeting. Appear at the §341 meeting of creditors with the debtor.
- d. Advise the debtor of the necessity of maintaining liability, collision, and comprehensive insurance on vehicles securing loans or leases.
- e. Verify six months of pay stubs and timely submit to the Court. Verify two years of complete tax returns including W-2s and submit as required by the rules. Verify and submit to the Trustee at least seven (7) days before the date first set for the first meeting of creditors a copy of all bank and/or investment account statements (and/or official bank-generated register report equivalent) in which the debtor had an interest in for the six (6) full calendar months prior to the month of filing the Petition in addition to the current month in which the petition is filed as required by local rule. Sufficient documentation or comment to explain the source of every deposit or credit shall accompany the statements and/or registers. Review actual insurance policies, proof of driver's license and Social Security card, automobile insurance policies, electric/gas/water bills, domestic child support order, copies of summons or judgments, and copies of all purchase agreements. Complete and file Appendix K, the "Certification by Debtor on Support of Confirmation", Complete and file the B22 Form.

- f. Timely prepare and file the debtor's petition, plan, statements, and schedules. Respond to objections to plan confirmation and, where necessary, prepare an amended plan.
- g. Prepare, file, and serve necessary pre-confirmation modifications to the plan. Prepare, file, and serve necessary pre-confirmation amended statements and schedules, in accordance with information provided by the debtor.
- h. When appropriate, prepare, file, and serve necessary motions to avoid liens on real or personal property.
- i. Routine file maintenance and review services through the end of the case.
- j. Prepare, file, and serve necessary motions to buy, sell, or refinance real property when appropriate.
- k. Object to improper or invalid claims, if necessary, based upon documentation provided by the debtor.
- l. Represent the debtor concerning affidavit hearings on motions for relief from stay, valuation hearings, confirmation hearings, hearings on motions to dismiss and other similar matters. (Participation in affidavit hearings is not considered providing an extraordinary service which justifies additional fees.)
- m. Prepare, file, and serve necessary post-confirmation modifications to the plan. Prepare, file, and serve necessary post-confirmation amended statements and schedules, in accordance with information provided by the debtor.
- n. Complete and file Appendix O "Certification by Debtor in Support of Discharge." Aid the debtor in obtaining pre-petition credit counseling and post-petition financial education.
- o. Provide such other legal services as are necessary for the proper administration of the case.

#### PROPOSED ADDITION TO NEB. LOCAL RULE 4002-1. Debtor- Duties

7. In Chapter 7 cases (filed by an individual debtor whose debts are primarily consumer debts) and all Chapter 13 cases filed on or after October 17, 2005, copies of all bank and/or investment account statements (and/or official bank-generated register report equivalent) in which the debtor had an interest in for the six (6) full calendar months prior to the month of

filing the Petition in addition to the current month in which the petition is filed (including sufficient documentation or comment to explain the source of every deposit or credit) shall:

- a. Not be filed with the Court unless otherwise ordered;
- b. Be provided to the trustee at least seven days before the date first set for the first meeting of creditors. The required information and documentation may be submitted electronically to the trustee.